

Notice of Allowability

Application No.

09/964,827

Examiner

Kyung H. Shin

Applicant(s)

MUSOLL ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/16/06 & phone interviewed on 6/21/06.
2. ☒ The allowed claim(s) is/are 1,2,4-9,11-15,17,18 and 29-34
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/3/06, 12/12/05, 11/1/05, 9/19/05, 9/25/01
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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DETAILED ACTION

1. Claims 1,2, 4-9, 11-15, 17,18, and 29-34 are pending. 1, 8, 13 are the independent claims. **Claims 1, 8, 13** are allowed.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

| | | |
|----------------|------------------|---------------|
| HUFFMAN, JAMES | 35549 (Attorney) | (719)475-7103 |
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(719) 351-3811 on 6/21/2006.

3. The application has been amended as follows:

- **Claim 13** (Currently Amended), A method for managing packets incoming to a data router, comprising the steps of:

~~attempting to store all~~ storing incoming packets, by a first storage system, into a local packet memory (LPM) that is mapped into preconfigured but resizable memory units;

determining whether incoming packets are storable within the LPM, wherein said determining comprises considering unallocated portions of the local packet memory in increments of one or more fixed sizes;

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relinquishing packets not storable within the LPM to a second storage system;

storing the packets not storable within the LPM in an external packet memory by a second storage system. and

adjusting said one or more fixed sizes to include more or fewer fixed size increments which may be considered by the first storage system when the first storage system considers whether said packets can be stored in the LPM.

- The Specification disclosure of the following informalities:

In Brief Description of the Drawing Figures (see page 10 of Application),

Figs 7a, 7b, 8a through 8d are block-diagrams illustrating a sequence of packet storage involving a plurality of different sized data packets according to an embodiment of the present invention.

Reason for Allowance

4. The following is an examiner's statement of reason for allowance:

The primary reference, Kalkunte (US 6,813,268), discloses a packet management system utilizing both a local packet memory and an external packet memory for the storage of packets. For **claims 1, 8, 13**, the primary reference does not specifically disclose “... *determining whether said packets can be stored in said LPM (local packet memory), the first storage system is configured*

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to consider unallocated portions of the local packet memory in increments of one or more fixed sizes ... " OR " ... wherein said system is configured to adjust said one or more fixed sizes to include more or fewer fixed size increments which may be considered by the first storage system when the first storage system considers whether said packets can be stored in the LPM (local packet memory) ... " (see Applicant Remarks dated May 16, 2006 Page 8, Lines 17-19; Page 8, Lines 19-22).

After extensive searching and analysis of prior art in light of the Applicant's claimed invention, the Examiner finds that the referenced prior art does not teach or suggest in detail the invention's disclosure in combination with all the elements of each independent claim as argued by the Applicant. So as indicated by the above statements, Applicant's arguments have been considered persuasive, in light of the set of claims with limitations as well as the enabling portions of the specification.

5. The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims as well as for the further limitations set forth.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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KHS
June 24, 2006


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